

**TOWN CENTER 3  
CHAPEL HILL, N.C.**

**STATEMENT OF JUSTIFICATION  
ZONING TEXT AMENDMENTS**

Introduction

This is a request for Zoning Text Amendment and amendments to the Chapel Hill Land Use Management Ordinance that will create a new land use zone. This new zone is intended to enable the development and construction of mixed-use buildings in town center districts for which the attributes differ from those described in the existing Chapel Hill Zoning Atlas. This new zone will be called Town Center-3, abbreviated to TC-3 in this document and in sections of the Chapel Hill Land Use Management Ordinance.

Background

In 2001 the Town of Chapel Hill sponsored an initiative to explore development in the town center districts of Chapel Hill. This initiative included activity by the Chapel Hill Town Council, the Chapel Hill Planning Board and several citizen committees. This exploration resulted in a more detailed vision for the town center districts. The current Downtown Development Initiative and several privately sponsored projects are a direct outgrowth of that work.

Goals and Objectives

These initiatives will require the creation of a new land use zone for the town center districts. This land use zone may be applied to specific sites when projects meeting certain criteria are proposed. These criteria may include a mix of uses, significant residential component, meeting the objectives of the Comprehensive Plan, meeting an underserved or designated need in the district and other criteria that the town may apply.

**ARTICLE 4.4 ZONING AMENDMENT**

The Chapter of the Land Use Management Ordinance defining zoning may be amended only by the Chapel Hill Town Council for several defined purposes. The Chapter may be amended a) to correct a manifest error in the Chapter, or b) because of changed or changing conditions in the area or jurisdiction generally, or c) to achieve the purposes of the comprehensive plan.

The following information is provided in support of findings b and c above.

- b) **Changed or changing conditions in the area or jurisdiction generally:**

The Town Center districts have experienced significant change within the last several years, with the mixed use developments of the Fountains, Rosemary Village, the Warehouse, and the Franklin Hotel. These represent changed conditions in the area and in the existing TC2 district. The town's Downtown Development Initiative represents changing conditions in the area and in the jurisdiction.

Another material factor in the development of the west end of Chapel Hill is the emerging activities on the east end of Carrboro. Weaver Street Market has created a significant hub in downtown Carrboro and the proposed development around the Art Center will represent additional changing conditions in the area.

**To achieve the purposes of the Comprehensive Plan:**

This proposed zoning change will achieve many of the purposes of the Comprehensive Plan for the development of Chapel Hill and its environs.

The Chapel Hill Comprehensive Plan includes many themes, goals and strategies and this proposed development supports many of those. In specific the following themes relate directly to the intent of this project:

One theme is to maintain Urban Services Area/Rural Buffer Boundary. *Accommodating demand for residential and commercial activities in the town center will help to maintain urban services area limits.*

A second theme is to Identify areas where there are creative development opportunities. Both the comprehensive plan and the downtown small area plan encourage creative development opportunities. *The town center districts include areas which may require creative development to achieve other objectives of the Comprehensive Plan. Creating a TC-3 district will responds to that encouragement by helping to support developments which comply with Comprehensive Plan objectives.*

A third theme is to develop strategies to address fiscal issues. *A TC-3 zone will encourage growth and development in the town center resulting in less expensive service costs than the same amount of development in more suburban locations.*

A fourth theme is to work toward a balanced transportation system. *Through provision of town center residential opportunity, this new zone will help to shift the emphasis from the automobile to other means of travel, including walking, biking and public transit, a stated strategy for this important theme.*

In the chapter describing Community Character, there are several strategies and actions that relate directly to this project.

Strategy 3A-4 notes consider development of selected “opportunity sites” to help alleviate growth pressures on existing neighborhoods. *TC-3 will provide flexibility and creativity for*

*designated opportunity sites. The Town Center is an example of an area which can accommodate this growth. Bus, utility, water and sewer and public safety infrastructure are in place to service growth in this part of town.*

A goal (3C) is that of Downtown Enhancement. *A TC-3 zone will enhance the downtown area by supporting developments which will enable more people to live and interact in the town center. Both retail and public uses will be enhanced through the inclusion of more people living in the town center.*

A strategy for downtown enhancement (3C-1) is to Implement the Downtown Small Area Plan. Below follows a discussion of points of intersection with the downtown small area plan.

The Downtown Small area plan includes a vision statement followed by goals and objectives:

Section 1: Vision Statement

Page 5 “The Downtown Plan will seek to reverse the tide of decentralization by encouraging the 'incubation' of vital well-integrated mixed use development, of which housing, with it's after-hours population, would be a key component.”

*A TC-3 zone will support well integrated mixed use development.*

Page 5 The Downtown Small Area Plan places one guiding principle above all others in importance: The preservation and extension of the vital people/pedestrian-oriented character of the Downtown Center, and the fostering of programs and policies which would tend to intensify the social and cultural activity which defines this character.

*A TC-3 zone will support this principle by providing a mix of residential and retail uses in a highly pedestrianfriendly environment.*

Page 6 Through a policy combining preservation of the most significant buildings with the enlightened, planned development, - or redevelopment- of underutilized lots, blocks and “holes” in the urban streetscape, the Downtown may be able to enjoy a new era of increased vitality.

*A TC-3 zone supports this policy through planned development of underutilized lots in the downtown.*

Section 2: Goals and Obiectives

Economic Vitality:

Page 9 Objectives for economic vitality include: 1) Provide a diversity of densities, scales, land uses and sizes, 2) Utilize available land in an economically optimal

fashion, 3) Provide a safe and secure environment for citizens in the downtown area.

*A TC-3 zone accomplishes all of these objectives. It provides a diversity of scale and use within the matrix of town center buildings and uses. It encourages economically optimal uses of specific sites for many reasons; among them the availability of existing infrastructure, net tax gain to the town and county, provision of new retail and commercial opportunity and provision for residential use in this new town center district.*

Section 2: Town Character and Land Use

Page 10 Objectives for Character and Land Use include: 1) Maintain existing, and encourage new, magnets to attract people to downtown and 2) Promote compatible residential uses in the commercial zones of downtown.

*A TC-3 zone will encourage projects which can be come magnets for people to come downtown because of the unique mix of commercial and public uses*

Section 2: Transportation

Page 12 Encourage the reduction of single occupancy vehicle trips to downtown.

*A TC-3 zone will encourage the creation of living units downtown through material bonus levels for residential un mixed uses and will encourage the reduction of S.O.V. trips downtown and will encourage pedestrian activity.*

Section 4 Planning Concepts

Page 35 Identify areas where there is opportunity for change

*TC-3 zones may be applied to areas where there is a perceived opportunity for change.*

Page 36 Promote a mix of uses.

*Through the use of intensity bonuses, this TC-3 zone will encourage a mix of uses.*